

**Minutes of Meeting
Grafton Planning Board
April 8, 2013**

RECEIVED-TOWN CLERK
GRAFTON, MA.

10

APR 24 9 46 AM '13

A regular meeting of the Grafton Planning Board was held on April 8, 2013 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Stephen Qualey, Vice-Chair David Robbins, Clerk Michael Scully, Robert Hassinger, Sargon Hanna and Associate Member Edward Prisby. Staff present was Assistant Planner Ann Morgan. Town Planner Stephen Bishop was absent.

Chairman Qualey called the meeting to order at 7:02 p.m.

ACTION ITEM 1-A – APPROVAL NOT REQUIRED PLAN – (ANR 2013-2) GEORGE N. PRUNIER, JR. – 85-89 MILLBURY STREET & 1 BRENDAN DRIVE

The Board discussed the ANR plan with Mr. Prunier, making sure they understood the intentions of the plan. Ms. Morgan informed the Board that Mr. Bishop had reviewed the plan and recommended approval.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to endorse ANR 2013-2 and authorize Chairman Qualey to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 5 to 0.

CONSIDER DECISION – MODIFICATION OF DEFINITIVE PLAN APPROVAL – “DENDEE ACRES” SUBDIVISION – CHARLES KADY, KADY BUILDERS, INC. APPLICANT

Mr. Scully expressed concerns for Condition C-2, asking if the Board had set a specific deadline for the installation of the subdivision street lights. Ms. Morgan stated no specific date had been set by the Board at Mr. Kady’s public hearing. The Board discussed a feasible date to be set as the deadline for the street lights to be energized.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to revise the language in Condition C-2 to state that the street lights should be installed and energized by June 1, 2013. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Scully, to make favorable Findings for F-1 through F-3. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Scully, to approve the Modification of Definitive Plan Approval for “Dendee Acres” Subdivision with the Findings and Conditions as discussed and amended and to extend the construction deadline to April 7, 2014. **MOTION** carried unanimously 5 to 0.

“DETERMINATION OF COMPLETENESS” – “PETERS ESTATES” SUBDIVISION – RON ETRE, ETRE BUILDERS, INC., PETITIONER

Chairman Qualey stated correspondence had been received from Mr. Etre requesting to rescind his request for a “Determination of Completeness” for “Peters Estates” Subdivision due to the inability to obtain the Certificate of Compliance from the Conservation Commission. Ms. Morgan noted that the open space had been accepted by the Conservation Commission, adding that Mr. Etre will likely resubmit for the October Town Meeting.

Chairman Qualey received unanimous consent to accept Mr. Etre’s request to rescind his request.

Chairman Qualey noted that there is no Staff report with the absence of Mr. Bishop, but he wanted to remind everyone that there will be a WRTA public meeting on Thursday, April 11, 2013 at 7:00 p.m. at the South Grafton Community House regarding the possibility of bus service to Grafton.

Ms. Morgan requested the Board address an administrative item of approving a revision to the Planning Board’s 2013 meeting schedule. Ms. Morgan noted that the Town Elections date had been posted incorrectly on the previously approved meeting schedule.

MOTION by Mr. Robbins, **SECOND** by Mr. Scully, to approve the Revised 2013 Planning Board Meeting Schedule as drafted. **MOTION** carried unanimously 5 to 0.

BILLS

The bills were circulated and signed.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Robbins, **SECOND** by Mr. Hanna, to approve the open session minutes of March 25, 2013. **MOTION** carried unanimously 5 to 0.

PUBLIC HEARINGS

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “HIGHFIELDS OF GRAFTON” SUBDIVISION – MAGILL ASSOCIATES, INC. (APPLICANT/OWNER)

Mr. Scully read the legal notice and Chairman Qualey opened the public hearing. Present for the hearing was Jay Magill, President of Magill Associates, Inc. and his attorney Joseph Antonellis.

Attorney Antonellis began by pointing out for the record that Mr. Hassinger was the only member of the Planning Board who was present for the original public hearings regarding Highfields of Grafton Subdivision, the Golf Course and the Clubhouse.

Attorney Antonellis informed the Board that Magill Associates has to date sold 80 lots with 70 lots left to sell, most of which are on the loop road. Attorney Antonellis stated that the goal is to get back on track to sell 10 to 12 homes per year. Attorney Antonellis added that work left to complete was the booster pump station & sewer pump, final paving on the loop road; some paving work left on Magill Drive; finishing the installation of the bounds which will allow the finish work on the Conservation Restriction; and some final work on Manor Hill Drive. Jay Magill informed the Board that Winston Builders is preparing to start the work on the booster

pump station and the sewer pump which will affect the entire loop road. The lots on Magill Drive are no impacted by the installation of these facilities.

Chairman Qualey pointed out that Conservation Commission correspondence indicated the Order of Conditions has expired with no discussion or refilling evident. Attorney Antonellis remarked that he has an appointment with Conservation Agent Linda Dettloff to meet at the site on Thursday morning for a preliminary investigation to determine the eligibility for a Certificate of Compliance or if an extension is required. He added that the Conservation Restriction would be submitted after the bounds had been set this summer.

Kenneth Grew of 6 Rittenhouse Road wished to testify on behalf of Mr. Magill and the entire development, stating that this project had complied with all of the Town's requirements, created a large number of jobs for the Towns people and others, and that they had been good neighbors throughout the development with no complaints.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to close the public hearing. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully to grant the applicant's written request for an extension to the construction deadline for the "Highfields of Grafton" Subdivision to March 22, 2014. **MOTION** carried unanimously 5 to 0.

SPECIAL PERMIT (SP 2013-3) UNIBANK FOR SAVINGS, LLC
(APPLICANT/OWNER) – 89 WORCESTER STREET – ZBL SECTION 4.4.4.2
REQUESTING DIMENSIONAL RELIEF FROM REQUIREMENTS OF SECTION
4.4.2.5(8) AND SECTION 4.4.3.2 (HEIGHT)

Mr. Scully read the legal notice and Chairman Qualey opened the public hearing. Present for the applicant was Attorney Todd Brodeur of Fletcher Tilton and David Glispin of Sunshine Signs.

Attorney Brodeur reviewed the Unibank for Savings application for the Board, noting that they had encountered difficulties in meeting the By-Law requirements for their signage. Attorney Brodeur stated Unibank is requesting a special permit for 9 inches of dimensional relief from the provisions of ZBL Section 4.4.2.5 and 1 foot of height relief from the maximum height provision of 11 feet allowed ZBL Section 4.4.3.2. Attorney Brodeur noted that in addition he has submitted nine findings of fact in support of the granting of the special permit. Attorney Brodeur pointed out that a plywood sign was laid out this past weekend to depict the actual sign area and location.

Mr. Hassinger stated that he had a problem with the request for relief, noting that relief was originally established for pre-existing conditions and not to accommodate a larger sign. Mr. Hassinger also argued that the sign placement is not accurate and is currently not at grade which will be changing with the improvements to be made on Usher Road. Mr. Hassinger reminded Attorney Brodeur that a critical part of the resolution and granting of the permit for the bank was for fixing the intersection and the alignment of Usher Road with Worcester Street. Mr. Hassinger added that he will need to see the grades and the curb line before he can make a judgment for the relief. Attorney Brodeur stated the closest piece of the sign is at 14 feet from the curb line, noting that Unibank is trying not to impact the parking while still trying to keep

within the side setbacks for the Building Inspector. Mr. Robbins pointed out that if Unibank eliminates a parking space, they will not meet the setbacks or the minimum required parking spaces. Mr. Hanna remarked that Unibank has spent time and money on engineers to figure out just where to place the sign while still meeting the requirements set forth which needs to be taken into consideration. Mr. Prisby stated there seemed to be some practical difficulties presented which appear to be branding requirements for the applicant and may need to be taken into consideration in granting the sign relief.

David Glispin of 238 Brigham Hill Road informed the Board that he had spent time with the Building Inspector reviewing the specifics of the sign, including the past scenarios of signs for customers on Worcester Street. Mr. Glispin stated that his company designed a corporate image for the bank sign at Gold Star Boulevard, Worcester, and has been consistent with the same design for the Grafton Unibank branch to maintain the integrity of the sign. Mr. Glispin further stated that the sign had been completed when the Building Inspector informed them that after reviewing the application package, he could not permit the sign until a special permit was obtained from the Planning Board; hence they are here for a special permit seeking sign relief. Mr. Glispin noted the sign is modest & sits parallel to and 14 feet from Usher Street and 20 feet back from Worcester Street with no impediments to either roadway.

The Board discussed the effects of widening Worcester Street on the granting of relief for signs. Mr. Hanna stated there are practicality issues, adding not everything is black and white, but sometimes gray. Mr. Hassinger stated again he was reluctant to grant the sign relief without first seeing the finished grading of Usher Road. Mr. Robbins noted that Usher Road will be raised making it difficult to view how it will look, but added the sign is in compliance other than the 2 points of relief sought. Chairman Qualey asked if the applicant had any idea of the results of the work on Usher Road. Attorney Brodeur stated their intention is only to alleviate the immediate dip in the road at Usher Road, making the intersection safe for truck traffic.

Chairman Qualey also inquired about the lattice work on the sign. Attorney Brodeur stated the it was a decorative part of the design of the sign. Mr. Robbins noted that according to ZBL Section 4.4.2.5(8) the lattice work is not in compliance as no part of the sign can interfere with visibility and also asked whether the uprights for the sign qualify as poles. Mr. Hanna insisted the Board should just be judging what is before them. Chairman Qualey announced that it is cases like this that show areas of the By-Law that need some clarification. Mr. Prisby suggested that if the lattice work is a problem for the Board, it can be eliminated. Mr. Glispin stated it can be removed easily. Mr. Scully questioned the use of uprights as poles; asking if they fit within the By-Law, noting that the word "pole" is not defined. Attorney Brodeur suggested that if the Planning Board approves the sign as submitted, Unibank will agree to remove the lattice work.

Mr. Robbins noted that for future consideration, the Board should revisit this section of the By-Law to follow up on these issues. Mr. Glispin added he would be happy to help when the Board takes the time to look at By-Law issues and make changes and welcomed the Board to come to Sunshine Sign to view the actual work in preparing a sign.

Mr. Scully questioned the calculations Mr. Robbins mentioned for total size of the sign from the opening to the proposed height. Mr. Robbins stated that if the Applicant wished to be in compliance with the By-Law and not require as Special Permit then the total height allowed from the opening to the top of the sign should only measure 48 inches as opposed to the 69 inches

shown on the drawing. His calculations were based on the distance from the ground to the top of the opening which is 75 inches which is 9 inches shorter than required by the By-Law. To be in compliance the opening would have to be 84 inches from the base. The total allowed height is for compliance is 132. Minus the 84 inches for a fully compliant opening, the allowable height for the remainder of the sign is 48 inches.

The Board then spent a few minutes discussing the dimensions of the sign with regards to allowable square footage. Mr. Robbins stated that the By-Law allows for one square foot of sign for each linear foot of site frontage. He calculated that the Applicant is entitled to 47 square feet of signage and that the proposed sign is 43 square feet. Mr. Hassinger questioned whether the proposed supports should be included in the calculations since they were, in his opinion, more substantial in massing than would be expected from the requirement of “poles”.

Mr. Prisby stated that when a Board’s decision becomes arbitrary towards the applicant to keep within the By-Law, it should be asked if they have presented a reasonable case for sign relief. Mr. Robbins agreed, noting that if it happens repeatedly, one has to come to the conclusion that the By-Law is not working and needs to be improved. He added that Mr. Hassinger’s points were well taken for what the Town wanted for signs in the Town.

Attorney Brodeur, in conclusion, stated they were here for compliance with the By-Law which allows a special permit through the Planning Board to ask for relief for a particular situation, for specific facts and unnecessary hardships specific to Unibank. Attorney Brodeur added the Planning Board must decide whether Unibank’s special permit application meets those criteria. Mr. Hassinger stated he did not feel the criteria as presented supports the entire By-Law requirements.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to close the public hearing. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hanna, **SECOND** by Mr. Robbins, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 8:52 p.m.

EXHIBITS

- **Action Item 1B – Consider Decision – Modification of Definitive Plan Approval – “Dendee Acres” Subdivision – Charles Kady, Jr., Kady Builders, Inc. (Applicant / Owner)**
 - Draft Decision, Modification of Definitive Subdivision Plan Approval (Extension of Construction Deadline), “Dendee Acres” Subdivision, dated March 28, 2013, 3 pages.

- **Action Item 1C – Request for Determination of Completeness – “Peters Estates” Subdivision, Ron Etre, Etre Builders - Petitioner**
 - Correspondence, Etre Builders, Inc.; Peters Estates, Peters Way, Grafton, MA, Rescinding the Request for Determination of Completeness; dated and received April 4, 2013, 1 page.
 - Copy of Correspondence from Grafton Conservation Commission to Peter Bemis, Engineering Design Consultants, Inc.; DEP # 164-659/WP #504 – Certificate of Compliance Request and Acceptance of Open Space Deed, Peters Estates Subdivision, 69 Pleasant Street; dated April 32, 2013, received April 4, 2013; 1 page.
- **Item 3: Staff Report**
 - Draft Revised 2013 Meeting Schedule, 1 page.
- **Item 5: Minutes of Previous Meeting**
 - Open Session Minutes of March 25, 2013; 7 pages.
- **Public Hearing 9A – Modification of Definitive Plan Approval – “Highfields of Grafton” Subdivision, (Applicant/ Owner)**
 - Application for Approval of a Modified Definitive Plan, “Highfields of Grafton” Subdivision, dated and received March 13, 2013; 2 pages.
 - Return memorandum, departmental project review comments, Conservation Commission, received April 5, 2013, 2 pages.
- **Public Hearing 9B – Special Permit (SP 2013-3) & Site Plan Approval, Unibank for Savings (Applicant) – 89 Worcester Street – Sign Relief**
 - Application materials submitted by Attorney Todd Brodeur, Fletcher Tilton, received on March 14, 2013, including the following:
 - Application for Special Permit, dated March 13, 2013, received March 14, 2013; 1 page.
 - Application for Site Plan Approval, dated March 28, 2013, received April 2, 2013; 1 page.
 - Memorandum in Support of Special Permit, 4 pages.
 - Certificate of Good Standing, signed by the Treasurer / Collector’s Office on March 11, 2013, 1 page.
 - Certified Abutter’s List, signed by the Assessor’s Office on March 11, 2013, 1 page.
 - Map, Abutters within 300 feet of 89 Worcester Street, North Grafton, MA; 8 ½ x 11”, black & white; Town of Grafton on line GIS system; 1 page.

- Sign specifications, Primary Illuminated Main ID with Electronic Message Center; prepared by Unibank by Sunshine Sign, 8 ½ x 11", color, revised January 8, 2013; 1 page.
- Site Plan, Unibank, 89 Worcester Street; 11 x 17" black & white; prepared by Bohler Engineering; revised January 21, 2013; 1 page.
- Return memorandum, departmental project review comments, Police Department, received April 5, 2013, 2 pages.
- Site Visit Photos submitted by Planning Board members, April 6, 2013, 8 ½ x 11", color 3 pages.



Michael Scully, Clerk

